

COMMITMENTS MODIFYING EXISTING COMMITMENTS CONCERNING
THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION
WITH A ZONE MAP CHANGE.

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615, the Owner of the real estate located in the City of Westfield, Hamilton County, Indiana, which is described below, makes the following modifications of commitments concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION: See Attached "Exhibit A – Legal Description"

STATEMENT OF MODIFICATION OF COMMITMENTS:

In 2011, Commitments by Walnut Ridge Estates, LLC, were made to the Westfield City Council regarding the use and development of the real estate described above and recorded in Hamilton County, Indiana, as Instrument No. 2011014610 (the "Existing Commitments"). The Existing Commitments shall be modified as follows:

1. "Exhibit B – Home Elevations" attached hereto shall replace the home elevations identified as Exhibit "C" within the Existing Commitments. The attached home elevations are illustrative examples and general representations. Additional elevations for each floor plan will be substantially similar in quality and character.
2. "Exhibit C – Conceptual Landscape Plan" attached hereto shall replace the conceptual landscape plan identified as Exhibit "D" within the Existing Commitments.

In all other respects, the Existing Commitments shall remain in effect and unchanged.

This MODIFICATION OF COMMITMENTS shall run with the land, be binding on the Owner of the above-referenced real estate, subsequent owners of the above-referenced real estate and other persons acquiring an interest therein. This MODIFICATION OF COMMITMENTS may be modified or terminated by a decision of the Westfield City Council following a public hearing held by the Westfield - Washington Township Plan Commission.

The MODIFICATION OF COMMITMENTS contained in this instrument shall be effective upon the Westfield City Council approval of ~~petition #0608-REZ-06~~Resolution 13-108.

This MODIFICATION OF COMMITMENTS may be enforced jointly or severally by:

1. The Westfield ~~Washington Township Plan Commission~~City Council;
2. Owners of all parcels of ground adjoining the real estate and all owners of real estate within the area included in the petition who were not petitioners for approval.

The undersigned hereby authorizes the City of Westfield, Indiana, to record this MODIFICATION OF COMMITMENTS in the Office of the Recorder of Hamilton County, Indiana, upon final approval ~~petition #0608-REZ-06~~of Resolution 13-108 by the Westfield City Council.

IN WITNESS WHEREOF, Owner has executed this instrument this ____ day of

_____, 20____.

RIVEREDGE PROFESSIONAL CENTER, LLC

By: _____

Printed: _____

Title: _____

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____, the _____ of Riveredge Professional Center, LLC, an Indiana limited liability company, Owner of the real estate described above who acknowledged the execution of the foregoing instrument in such capacity and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this ____ day of _____, 20____.

Signature: _____

Printed: _____

County of Residence _____

My Commission expires: _____

This instrument was prepared by Steven D. Hardin, Esq., Faegre Baker Daniels LLP, 600 East 96th Street, Suite 600, Indianapolis, IN 46240.

I affirm under the penalties for perjury, that I have taken reasonable care to redact each and every Social Security number from this document, unless it is required by law. Steven D. Hardin

Exhibit A – Legal Description

Part of the South Half of the Southwest Quarter of Section 5, Township 18 North, Range 4 East, Hamilton County, Indiana, being more particularly described as follows:

Beginning at the Southwest corner of said quarter section; thence North 0 degrees 04 minutes 09 seconds East (assumed basis of bearings) 1329.41 feet to the Northwest corner of said half-quarter section; thence South 88 degrees 58 minutes 17 seconds East on and along the North line of said half-quarter section 1331.77 feet; thence South 0 degrees 02 minutes 05 seconds West 1321.80 feet to the South line of said half-quarter section; thence north 89 degrees 17 minutes 58 seconds West on and along said south line, 1332.46 feet to the point of beginning.

Except that portion of the above Real Estate deeded to the Town of Westfield and further described as follows:

A part of the South Half of the Southwest Quarter of Section 5, Township 18 North, Range 4 East, Hamilton County, Indiana, described as follows:

Beginning at the Northwest corner of said half-quarter section; thence South 88 degrees 58 minutes 17 seconds East 41.78 feet along the north line of said half-quarter section; thence South 1 degree 01 minutes 43 seconds West 16.50 feet to the south boundary of 169th Street; thence South 45 degrees 32 minutes 56 seconds West 35.06 feet to the east boundary of Carey Road; thence North 89 degrees 55 minutes 51 seconds West 16.50 feet to the west line of the said half-quarter section; thence North 0 degrees 04 minutes 09 seconds East 41.78 feet along said west line to the point of beginning and containing 0.032 acres, more or less, inclusive of the presently existing right-of-way which contains 0.025 acres, more or less, for a net additional taking of 0.007 acres, more or less.

EXHIBIT B – HOME ELEVATIONS

EXHIBIT C – CONCEPTUAL LANDSCAPE PLAN